IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NOEL PONIEWAZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	**JURY TRIAL DEMANDED**
REGENT ASSET MANAGEMENT	)	
SOLUTIONS, INC.,	)	
	)	
Defendant.	)	

COMPLAINT

NOW COMES the Plaintiff, NOEL PONIEWAZ, by and through her attorneys, LARRY P. SMITH & ASSOCIATES, LTD., and for her complaint against the Defendant, REGENT ASSET MANAGEMENT SOLUTIONS, INC., Plaintiff states as follows:

I. PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereinafter "FDCPA"), 15 U.S.C. §1692, et seq.

II. JURISDICTION & VENUE

2. Jurisdiction arises under the FDCPA, 15 U.S.C. §1692 et seq., and pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1337.

3. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

III. PARTIES

4. NOEL PONIEWAZ, (hereinafter, "Plaintiff") is an individual who was at all relevant times residing in the City of St. Charles, County of St. Charles, State of Missouri.

5. REGENT ASSET MANAGEMENT SOLUTIONS, INC., (hereinafter, "Defendant") is a business entity engaged in the collection of debt within the State of Missouri. Defendant is incorporated in the State of Colorado.

6. In its dealings with Plaintiff, Defendant held itself out as being a company collecting a debt allegedly owed by Plaintiff to U.S. Bank.

7. At all relevant times, Plaintiff was a "consumer" as that term is defined by 15 U.S.C. §1692a(3).

8. At all relevant times, Defendant acted as a debt collector as that term is defined by 15 U.S.C. §1692a(6).

IV. ALLEGATIONS

9. On or about March 19, 2010, Plaintiff received a telephone call from Defendant, who stated that it was calling to collect a debt allegedly owed by Plaintiff to U.S. Bank.

10. The debt allegedly owed by Plaintiff was incurred primarily for personal, family, or household services.

11. During the aforementioned telephone conversation, Defendant inquired whether Plaintiff had received the Summons that Defendant had issued for Plaintiff. Plaintiff told Defendant she had not received a Summons.

12. At the time Defendant represented to Plaintiff that a Summons had been issued for Plaintiff, no lawsuit had been filed against Plaintiff relating to the debt she allegedly owed.

13. During the aforementioned telephone conversation, Defendant stated that if Plaintiff did not pay the debt she allegedly owed then she would receive a Summons from Defendant in relation to a lawsuit against Plaintiff.

14. To date, Defendant has not filed a lawsuit against Plaintiff for the debt she allegedly owes.

15. Upon information and belief, at the time of making the aforementioned threat, Defendant had no intention of filing a lawsuit against Plaintiff for the debt she allegedly owes.

16. Upon information and belief, Defendant has no authority to file a lawsuit against Plaintiff for the debt she allegedly owes.

17. Upon information and belief, at the time of making the aforementioned threat, Defendant had no authority to file a lawsuit against Plaintiff for the debt she allegedly owes.

18. During the aforementioned telephone conversation, Plaintiff informed Defendant that she was unable to pay Defendant for the debt she allegedly owed.

19. Later that same day, despite being cognizant that Plaintiff was unable to pay the debt, Cliff, Defendant's duly authorized representative, initiated a telephone call to Plaintiff in a further attempt to collect the debt allegedly owed by Plaintiff.

20. During the aforementioned telephone conversation, Plaintiff asked to speak to a supervisor. Immediately thereafter, Defendant intentionally disconnected the telephone call with Plaintiff.

21. During the course of its telephone conversations with Plaintiff, Defendant failed to apprise Plaintiff that it was a debt collector, attempting to collect a debt and that any information obtained would be used for that purpose.

22. In its attempts to collect the debt allegedly owed by Plaintiff to U.S. Bank, Defendant violated the FDCPA, 15 U.S.C. §1692, in one or more of the following ways:

a. Engaged in conduct the natural consequence of which is to harass, oppress or abuse any person in connection with the collection of a debt in violation of 15 U.S.C. §1692d;

b. Caused a telephone to ring or engaged any person in telephone conversation repeatedly or continuously with the intent to annoy, abuse or harass any person at the called number in violation of 15 U.S.C. §1692d(5);

c. Used false, deceptive, misleading and unfair or unconscionable means to collect or attempt to collect an alleged debt in violation of 15 U.S.C. §1692e;

d. Falsely represented the character, amount, or legal status of any debt in violation of 15 U.S.C. §1692e(2)(A);

e. Failed to disclose in communications that said communication was from a debt collector and that any information obtained during the communication will be used for the purpose of collecting a debt in violation of 15 U.S.C. §1692e(11);

f. Used unfair and/or unconscionable means to collect or attempt to collect a debt in violation of 15 U.S.C. §1692f; and,

g. Was otherwise deceptive and failed to comply with the provisions of the FDCPA.

23. As a result of Defendant's violations as aforesaid, Plaintiff has suffered, and continues to suffer, personal humiliation, embarrassment, mental anguish and emotional distress.

V. JURY DEMAND

24. Plaintiff hereby demands a trial by jury on all issues so triable.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, NOEL PONIEWAZ, by and through her attorneys, respectfully prays for judgment as follows:

a. All actual compensatory damages suffered;

b. Statutory damages of $1,000.00;

c. Plaintiff's attorneys' fees and costs;

d. Any other relief deemed appropriate by this Honorable Court.

Respectfully submitted,
NOEL PONIEWAZ

By: s/ David M. Marco
Attorney for Plaintiff

Dated: May 11, 2010

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